

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Bail Appl..No. 7674 of 2007(F)

(CRIME NO. 336/2007 OF KASABA POLICE STATION)
.....

PETITIONER/ PETITIONER:

**ABDUL AZEEZ, S/O.KUNHIKOYA HAJI,
AGED 34 YEARS, PALAKKANDY HOUSE,
PUTHOORMADOM, PERUMANNA, KOZHIKODE.**

**BY ADV. SRI.JIJI THOMAS PAMBCKAL,
ADV. SMT.SMITHA JIJI PAMBACKAL.**

RESPONDENT/RESPONDENT:

**STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J.

B.A.No.7674 of 2007

Dated this the 13th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner claims to be an advocate clerk. In a road traffic accident, an application was made in the name of the victim of the accident one Swami. In that application, prayer was made to the police to issue copy of certain documents. That application was written in the name of Swami. That application authorised the petitioner to collect the copies of the documents from the police station. It was realised later that the victim/Swami had not made any such application. The petitioner had allegedly forged the signature of the said Swami and had presented it at the police station showing that he is authorised to collect the copies of the documents from the police station. Realising the fraud played, a complaint was filed before the Commissioner of Police by the local police official. As per the directions of the Commissioner of Police crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The only explanation in justification offered is that Swami had really signed the document in question and that vexatious allegations are now

being raised.

3. The learned Public Prosecutor opposes the application. Strong action is required in the light of the mal practices that go on before the police station in respect of traffic accidents. The materials collected clearly show that Swami has not authorised the petitioner to collect copies of documents or nor had he made any application. Except the assertion now that Swami had actually signed the application, there is absolutely nothing to indicate the acceptability of such a version of the petitioner.

4. I am satisfied that the matter deserves to be investigated into in detail and it is not necessary at the moment to permit the petitioner to arm himself with an order of anticipatory bail. The petitioner must surrender before the investigating officer or the learned Magistrate and then seek regular bail in the ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007